App F IX-4

Previous References
ML 92 - 39 (3 & 5

1939
(ML)

File No 40-38

Serial Nos. 12, 13, 15
16, 17, 29

Letter References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Sep

Part B for Sep 39

SUBJECT

Unauthorised construction of buildings by Mr BK Chada Kotharappa at Arsikere

---

The Dy Commr Hassan
L 2969 of 19 - 9 - 39

WD 0896—GPB—22 500—18-8 37

States that the resolution of the Municipal Council may be suspended as being unlawful

5598/2

General and Revenue Secretariat | Ml File No 40 of 1938 | [App 1 III—2

Serial No 12

Anonymous petn dt 13-4-39

Re 1) election of the Vice President of the Arsikere Town Ml Cl 2) construction of a building by one Mr B.K. Shadaksharappa without obtaining a license ~~and~~ 3) Location of Petrol pump and 4) collection of octroi duty on Kerosene oil at the place

Remarks & orders of the Second Member & the LSG Secy on the P d ~~re the 2nd point~~

1) "Has any report been received?
(Intd) K V A 17-4-39

2) Remind D.C.
(Intd) G H K 18-4-39

3) No report has been received here on the 2nd point referred to above.

4) Re the last two ~~[illegible]~~ points, a clear and detailed report has been called for from the D.C. Hassan Dist in this Office letter No 8146/Ml 40-38 dt 8-4-39

Vide linked file

5) The file about the election of the Vice President of the Arsikere Town Ml Cl has been dealt separately. This is under issue now

~~5)~~ 6) On which point the DC has to be reminded as per orders in the above circumstance

6) A clear note will, if approved be put up on the last two points after the receipt of the reply from the DC to this Office letter dt 8-4-39

19-4-39

19-4-39

2/19/4/-

7) Remind DC to expedite report in letter dt 8/4 39 & call for a report on 2nd point - building by Mr Shadaksharappa

2/21/4/-

LOCAL SELF GOVT
20 APR 1939
OF MYSORE

NOTE—Contn Sheet

5909/2 - 15983

File No 460 of 1938

General and Revenue Secretariat

8 Draft letter submitted for approval

12-4-39

9) Issue 2/24/4/-

To the D C Hassan Dt

L 8606 d 26 4 39

fds a copy of the petn for report

Telegram d 3 5 39 from a Rate payer Arsikere 15

Complaining agst unauthorised construction of a building by Mr Shadakshrappa

10) Draft letter submitted for approval

6 5 39

Secy L S G 2/6/5/-

11) Reply has since been received

Issue 9 5 39

From the Dy Commr, Hassan Dt

Letter No DC 76-38 d 6 5 39 16 2/10/5/-

forwards his report as called for

13) Submitted for perusal & other orders with reference to paras 9 & 10 supra The DC observes that no unauthorised or illegal act will escape penalisation, if it comes to his notice The President has stated that a notice has been issued to Mr Shadakshrappa to stop the work and to show cause why he should not be prosecuted

10 5 39

2/11/5/-

Secy L S G

From the Dy Commr, Hassan Dt

Letter No DC 76 of 38 d 29 5 39

forwards a further report

13

Early 2

TYPING SEC

SECY LOCAL SELF GOVT
GOVT OF MYSORE

SECY LOCAL SELF GOVT
11 MAY 1939
GOVT OF MYSORE

5983/628 Unauthorised construction of buildings
by one Mr Shadaksharappa at Arsikere

General and Revenue Secretariat

File No M l 40 of 1938 [App F III 2

Serial No

14) The Dy Commr reports that Mr Shadaksharappa has not only put up a building without a license but has also violated the conditions of the license issued to him for another structure in addition to encroachment on the road ~~ssa~~ margin and that this illegal act of ~~Mr~~ Shadaksharappa has been supported by the Municipal Councillors. But he pleads inability to rescind the ~~Mt~~ resolution of the M Cl in view of the Govt decision in M l file 92-38 Sls 3 to 8 put up below for refce and requests reconsideration of the orders communicated to him in this Office letter No L 9402/M l 92-38 d 25 5 39 and passing of suitable orders in the present case

Submitted for orders

9

8 39

15) The P U D is for perusal. Mr Sadaksharappa is stated to have 1) put up a building without a license 2) has violated the conditions of the license issued to him for another building, and 3) has encroached upon the road margin. Even accepting the view taken in the case of Mr Mahalingappa that till a regular line of the Public Street is laid down one cannot be prevented from building a structure upon his land (vide notes in M L
F le No 92 38
Serial Nos 3 to 8)

NOTE Contr

Unauthorised construction of buildings by Mr Shadaksharappa at Arsikere

ML File No 40 6261 of 1938-39

General and Revenue Secretariat.

Serial No

Mr Sadaksharappa it seems to me is guilty of the other two charges namely constructing a building without a licence and violating the condition of a licence granted for another structure, and these two charges cannot but be termed as unlawful. The Municipal Council, Arsikere should have prosecuted him for the above said charges but the decision of the Municipal Council was otherwise, which I submit means that the Municipal Council has sanctioned an unlawful act and which was unlawful on the part of the Municipal Council to have done so. From this point of view I submit for consideration that the Deputy Commissioner Hassan can take action in this case under Section 194 (1) of T M Act, ~~to~~ by suspending the above said resolution of the Municipal Council which it seems to me ~~as~~ is ~~an~~ unlawful, and directing the President Arsikere Municipal Council to proceed against Mr Shadaksharappa. For orders

31/8

Law Secy)

16) 1) What is the violation of the condition of the licence? (2) Does the encroachment of road margin mean encroachment on Municipal property?

C 29/8

11/9

SECY LAW DEPT (L.S) 31 AUG 1939 GOVT O MYSORE

Mr 8V

Unauthorised construction of building by Mr Shadakshara~~ppa~~ in Arsikere

62k

General and Revenue Secretariat

File No M R 28 of 1938 [App F III 2

Serial No

17) The violation of the conditions of licence is reported to be in the following respects:—

1) That the building has not been built in accordance with the approved plan

2) That an upper storey ~~with~~ a balcony has been put up, though it has not been shown in the plan

3) That a stair case has been built on the Municipal land without obtaining proper sanction thereto.

18) Regarding the 2nd query, it is said that encroachment of road margin appears to be an encroachment on municipal property

19) Refer para 16 supra

SC
6 9 39

Law Secy) 2/6/9/-

20) The Municipality may be asked to prosecute him. The resolution of the Municipality not to launch a prosecution may be vetoed

2nd Member)

Ce
8/9 2/12/9/-
12/9

29 Draft letter submitted for approval
6/9
SC 2/12/9/-
13 9 39

To the DC Hassan Dis
L 2949 of [illegible] 2/18/9/-
States that the resolution of the MC may be suspended as being unlawful.

SECY LAW DEPT
1831
7 SEP 1939
GOVT O MYSORE

OFFICE OF THE
SECOND MEMBER OF COUNCIL.
- 8 SEPT 1939
No 2023

NOTE Contd Sheet

File No of 19

General and Revenue
Secretariat

Serial No

To

K V Anantharaman Esq B A ,
Second Member in Council,
Bangalore City

5356 hsA
15/4
2
[illegible]

Honoured Sir,

In continuation of my last petition I beg to bring to your kind notice, that the Deputy Commissioner, is not yet in a position to dispose off the records concerning the uncontested re-election of the Vice-President Mr Kolla-Narasimha Setty of this town though it is more than a month the election done Perhaps to my knowledge I fear he is shaky and he thought through the sayings of his welwisher about the [illegible] doubtfulness of Mr Narasimha Setty's winning the seat Anyway we trust in you in issuing orders confirming the post to him at your earliest convenience so as to enable the Muncipality to have the works runs smoothly as the President is not expected here on all the working days I would like to give you an instance here which is purely personally effecting the President's intimacy with one Mr B K Shadaxarappa He has taken license to build a new house by the side of his old one Before the completion of the said new one he has begun in building up terrace to the old one without obtaining a fresh license for the same This area is situated in the main road,(where in the Amildar and the Sanitary inspector will be passing through to their officess) The facts were reported to the Deputy Commissioner and to the President which is of no use as the party has got backing of Mr K Venkata Swamy

[illegible]

L.S.
9973
18 4 39

L.S.S. Sy

Has any report been recd?
17/4
[illegible]
D.C. - [illegible]
urgent 18/4
2/4/41

Secondly it is strange to note that no action is taken by the President or the D[illegible]O regaring the collection of octroi, of Kerosene by Mr. Venkat[illegible]Swamy and others It is

It is since two months the Muncipality after receiving or[illegible] from the D C is not in a possition to approach the party and collect the tax at two Annas a tin mearly for the intim of the officials with the party If it were any other person other than the well known local officers friend the would have played a hell of the business

Thirdly, regarding the petrol pump, I have got very strong hopes that in renewing the stay orders, you would certainly do the best in the interest of the Government and of the Public, by giving instructions to the licenseing authority to issue, after personal inspection of the area and to consider the difficulties reffered in my last regard the same

Beg to be excused for trouble Thanking your honour

Arsikere
13th April,1939

I beg to remain,
Honoured Sir,
Your most obedient servent,
(Personal)
A Loyal Subject
13 4 39

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *193*

Date of issue 26.4.39

Signed by Mr MSH

> TS to please prepare
of the [illegible]

List of enclosures

Copied by

Examined by

Section ML

File No 40-38

Serial No 13

No L 8646

To

The Dy Commr, Hassan Dt

Sir,

I am directed to forward ~~[illegible]~~ herewith ~~an~~ a copy of ~~the an~~ an anonymous petn dt 13-4-39 bringing to notice, among other things, the construction of a building without obtaining a licence therefor by one Mr B K Shadaksharappa at Arsikere and to request you to forward your ~~IR~~ report in the matter at an early date.

Your reply to this office letter No L 8146/ML 40-38-1 dt 8-4-39 re location of petrol

WD 0563—GPB—30 000—6-1 39

and collecting octroi duty on
kerosine oil at Arsikere
may kindly be expedited

I have etc

2/24/41

for Secy LSG

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore 26th April 1939

No L 8646/ML40-38-13
Encl

From

The Secretary to the Government of His Highness the Maharaja of Mysore
Local Self Government Department

To

The Deputy Commissioner
Hassan District

Sir

I am directed to forward herewith a copy of an anonymous petition dated 13th April 1939 bringing to notice among other things the construction of a building without obtaining a licence therefor by one Mr B K Shadaksharappa at Arsikere and to request you to forward your report in the matter at an early date

Your reply to this office letter No L 8146/Ml 40-38-4 dated 8th April 1939 regarding the location of petrol bunk and collection of octroi duty on kerosine oil at Arsikere may be kindly be expedited

I have the honour to be
Sir
Your most obedient servant

for Secretary to Government
Local Self-Government Department

S

5/09

C. INDIAN POSTS AND TELEGRAPHS DEPARTMENT

ml 40 40 38

NOTICE

This form must accompany any inquiry made respecting this Telegram.

Charges to pay

Rs. As.

Handed in at (Office of Origin)	Date	Hour	Minute	Service Instructions.	Words
Arsikere	31	7			32

TO Second member in Council

Bangalore

Recd. here at 10 H 12 M

action stay order Shadaksharalaya building not taken unauthorised occupation state fund used for construction completed in spite stay district commissioner ignore facts though reported

N.B.—The name of the Sender, if telegraphed, will be found after the text.

pray justice / Rate payer

La Chand & S s Pr C

5783

No PC 16-38 Office of the Deputy Commissioner,
Hassan District,
Dated Hassan, the 6th May 1939

Exec [illegible] 6 5 39

Ml 40 38-16

From

SECY LOCAL SELF GOVT
8 MA 1939
GOVT OF MYSORE

T Ramaiya, Esq , B A , (Hons ,)
Deputy Commissioner, Hassan District

To

P H Krishna Rao, Esq , M A ,
Secretary to the Government of His Highness
the Maharaja of Mysore, Local Self Govt Deptt
Bangalore

Sir,

With reference to your letter No L 8646/Ml 40-38-13 dated the 26th April 1939 calling for a report regarding the construction of a Building without license by one Mr B K Shadaksharappa at Arsikere, I have the honor to forward herewith a copy of the report of the President in the matter It will be seen therefrom that the President had noticed the action of Mr Shadaksharappa long before the Loyal Subject petitioned to the Government and has issued notice to the party to stop the work and to show cause why he should not be prosecuted He has further reported that he is going to place the matter before the Council for prosecution I have returned the records and the original report with a direction that drastic action must be taken against the offender I may assure Government that no unauthorised or illegal act will escape unpunished if it comes to my notice

My reply to your letter No L 8140/Ml 40-38-4 dated the 8th April 1939 will be furnished as soon as the explanation of the Vice President is received

I have the honor to be,
Sir,
Your most obedient servant,
TRamaiya
Deputy Commissioner,
Hassan District

Hc 11-38
[illegible]

[illegible]
[illegible]

[illegible]
[illegible]

[illegible] K [illegible]
[illegible]
[illegible]
[illegible] 15 1939
[illegible] 76-39 [illegible]
[illegible]

[illegible]
[illegible] 13 3 39 [illegible]
[illegible]
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[illegible]
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Ali Jumani [illegible]
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669 [illegible]
[illegible] 3 39 [illegible]
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[illegible]
8 × 4½ [illegible]

[illegible]

[illegible] 6-7-38 [illegible] 2699/37-38 [illegible]

[illegible] 7-7-38 [illegible]

[illegible] — In
these circumstances I beg to state that
the allegation against the president,
contained in the petition from the
Loyal Subject, to the Board

Member of Council is false and malicious
The Records may kindly be sent back
after perusal —

(Sd) S R Rudraradhya
President

3 5 39

Copy
T Ramanna
Deputy Comr
39

DC 48-39
Encl 1 file

626

OFFICE OF THE DEPUTY COMMISSIONER
HASSAN DISTRICT

Dated Hassan the 27th July 1939

ML 40-38-27

FROM

T RAMAIYA ESQ B A *(Hons)*
DEPUTY COMMISSIONER HASSAN DISTRICT

SECY LAW DEPT
28 JULY 1939

TO

C Subrahmanya Aiyar, Esq , B A , B L
Secretary to the Government of His Highness the
Maharaja of Mysore, Law Department,
Bangalore

5983
ML 40 38 16

SIR

In continuation of my letter of even number dated the 6th May 1939 addressed to the Secretary to Government, Local Self Government Department, in the matter of the unauthorised construction of a building in Arsikere Town by one Mr B W Shadaksharappa of the place, I have the honour to enclose herewith the records ending with report No H C 71/38-39 dated the 6th instant, received from the President of the said Municipal Council and to state that it will be seen from the records that Mr Shadaksharappa has not only ~~push~~ put up a building without a license, but also violated the conditions of the license issued to him for another structure, in addition to encroaching upon the road margin The infringement by Mr Shadaksharappa of the conditions of the license issued to him and his omission to comply with the requirements of the Municipal Act in not obtaining a license for a new structure, and to conform to the standing orders of Government regarding road margin, having been brought to the notice of the Municipal Council with a suggestion that action should be taken to prosecute the party, a resolution merely recording the opinion of the various members of the Council who attended the meeting, was in the first instance passed on the 11th May 1939. As this resolution did not indicate specifically as to what action was proposed to be taken by the Municipal Council in the matter, it was referred back to them for a definite resolution, either unanimous or by a majority, as to whether the party should be prosecuted against or not. The Council have thereupon passed by a

626/2

a majority, a resolution at their meeting held on the 22nd June 1939 that no prosecution need be launched against Mr [illegible]. The President has enclosed a copy of this resolution and solicited orders in the matter

2 The records clearly go to show that this is a very bad case of flagrant ~~errxxx~~ contravention of the condition of the license and flouting the provisions of the Town Municipalities Act, and that the majority of the Municipal Councillors have unjustly supported the bad conduct of the party obviously on personal considerations In the ordinary course, I should have ordered a suspension of the execution of the resolution of the Municipal Council under section 194 of the Town Municipalities Act, and instructed the President to proceed against Mr [illegible]. But in view of the decision of Government in a similar case in the same Municipality with reference to a building on the same Bangalore - Honnavara road put up by one [illegible], communicated in Local Self Government Secretary's letter No 9402/L 1[illegible]-3[illegible]-3 dated the 25th May 1939, I am unable to do so in the present instance

3 In this connection, I beg to bring to the kind notice of Government that their decision referred to above is likely to act as in the case on hand, as a great handicap in enforcing obedience and conformity to law and standing orders of Government in regard to the construction of buildings in Municipalities and along Public roads

4 In the circumstances, I venture to request ~~Gxxx~~ Government to kindly reconsider the said decision, and pass suitable orders in the present case

5 The records may kindly be returned when no longer required

I have the honor to be,
sir,
Your most obedient servant
M Ramanna
Deputy Commissioner,
Hassan District

Subd
The main file as told by the Secy [illegible]
Its receipt back in the L.S.G. Branch may perhaps be awaited

8 8 39

Yes
3/11

This may be watched & put up after the main file returns
17/8

Appendix F G—1]

SUBJECT

Section M C

File No 40-38

Serial No 29

No L2949 Gen Records

Diary No of letter replied to

To The Dy Commr Hassan Dist

General and Revenue Secretariat

( )

the 193

Sir

Subject – Unauthorised construction of a building by Mr Shadaksharappa in Arsikere Town Municipality

With reference to the correspondence ending with your letter No P C 76/38 d 27 7 39 on the above subject, I am directed to observe that Mr Shadaksharappa is guilty of three charges viz

1) encroachment ~~of~~ upon road margin

2) violation of the conditions of license

and 3) construction of a building without obtaining a license therefor

~~and the~~ which cannot but be termed as unlawful and to state therefore that the resolution of the M C not to launch a prosecution against him may be suspended under Section 194(1) of the Town Municipal Act 1933, as being unlawful and the M C required to prosecute Mr Shadaksharappa ~~under~~ for his illegal acts. The records accompany. I have etc

*Date of issue 19-9-1939

Signed by M M S

List of enclosures

Copied by 13/9/39

Examined by

Ref [illegible]

13/9/

for Secy Law Dept